

**ORDINANCE NO. 1115 – 2019**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 150 OF THE CITY'S CODE OF ORDINANCES BY MODIFYING SECTION 150.030, "SIGNAGE," BY PROVIDING FOR THE REMOVAL OF SIGNAGE FOR BUSINESSES THAT HAVE CEASED OPERATING; PROVIDING FOR IMPLEMENTATION; PROVIDING OF INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Miami Springs (the "City") has broad powers to regulate the aesthetic conditions of property throughout its jurisdictions, including, but not limited, to the fiscal properties of signage and if, when, and how signage is allowed to be maintained; and

**WHEREAS**, it has been brought to the attention of the City that commercial properties, especially in the Central Business District, have been allowed to maintain commercial signage on its premises pertaining to businesses that are closed or no longer operating at the corresponding location; and

**WHEREAS**, the City Council finds that signage that remains affixed to commercial properties long after the corresponding businesses has ceased operations has no legitimate business purpose, causes confusion for the public, draws attention to vacant business premises, and creates unnecessary sign pollution; and

**WHEREAS** the City Council desires to mitigate the unsightly impacts of old signage in its commercial districts left behind by commercial establishments that have gone out of business; and

**WHEREAS**, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:** <sup>1</sup>

**Section 1. Recitals.** The above-stated recitals are hereby confirmed, adopted and incorporated herein and made a part hereof by this reference.

**Section 2. Amending Chapter 150 of the City Code.** The Code of Ordinances of the City of Miami Springs, Florida, is hereby amended by as follows:

CHAPTER 150 – ZONING CODE

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Sec. 150.030. - Sign Regulations.

\* \* \*

(L) Administration and enforcement.

\* \* \*

(4) Noncomplying signs.

(a) Unsafe signs. Upon inspection by the City, if any sign is found to be unsafe, then the owner of the property on which said sign is located shall be required to make it safe in a manner consistent with all requirements of this Code or to remove such sign. If notice of need for correction is not complied with within one week, the City shall cause such sign to be removed at the expense of the owner of the property on which the sign is located following a public hearing with due notice to all interested parties. Any sign deemed an immediate threat to public safety may be immediately removed by the City at the expense of the owner of the property on which the sign is located.

(b) Damaged legal nonconforming signs. Any legal nonconforming sign which is damaged shall be removed if the cost of repair would

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

exceed 50 percent of its original cost. The City shall determine whether or not damage exceeds 50 percent of its original costs following a public hearing.

(c) Unmaintained signs. Any sign not maintained according to the requirements of this Code may be removed by the City at the expense of the owner of the property on which the sign is located following a public hearing with due notice to all interested parties.

(d) Electric violations. Any electric sign installed at any location that does not conform with the National Electric Code or that violates the ordinances of the City shall, upon notice by the chief electrical inspector, be discontinued immediately from service by the owner until made to conform with this Code and is subsequently approved by the electrical and/or building inspectors. Upon failure to so discontinue service until conformation with this section, the City shall have the power, authority and duty to discontinue and disconnect the unlawful or nonconforming installation, at the expense of the owner of the property on which the sign is located.

(e) Removal off illegal nonconforming signs. Signs shall be determined to be illegal nonconforming signs only following a public hearing with due notice to all interested parties. Any sign so determined to be an illegal nonconforming sign shall be removed within 30 days of notification to the owner of the property on which the sign is located. The City may remove any such sign if the owner fails to comply with this requirement for removal. The expense of such removal shall be charged to the owner of the property on which the sign is located.

(f) Removal of sign due to lapse of permit. A continuing sign permit shall lapse automatically if not renewed or if the business license (business tax receipt) for the premises lapses, is revoked, or is not renewed, and not reinstated within the period provided herein. A sign permit shall lapse if the business activity on the premises is discontinued for a period of sixty (60) days or more and is not renewed within thirty (30) calendar days of a notice from the City to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

**Section 3. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 4. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Miami Springs. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

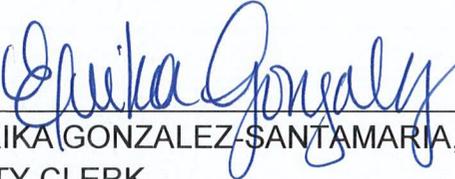
**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption.

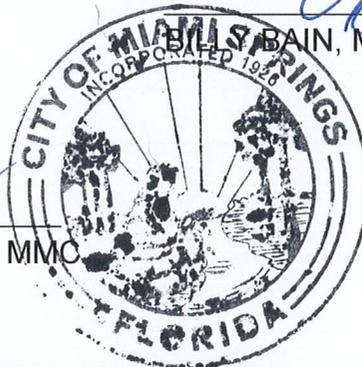
**PASSED ON FIRST READING** this 12<sup>th</sup> day of August, 2019, on a motion made by Councilwoman Mitchell and seconded by Councilman Petralanda.

**PASSED AND ADOPTED ON SECOND READING** this 26<sup>th</sup> day of August, 2019, on a motion made by Vice Mayor Best and seconded by Councilwoman Mitchell.

Vice Mayor Bob Best	<u>YES</u>
Councilwoman Maria Mitchell	<u>YES</u>
Councilwoman Mara Zapata	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

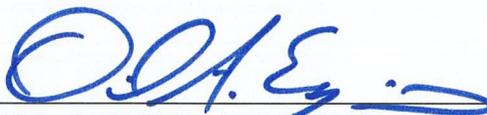
ATTEST:

  
ERIKA GONZALEZ-SANTAMARIA, MMC  
CITY CLERK



  
BILLY BAIN, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY